

BEFORE THE IOWA BOARD OF PHARMACY

RE: Controlled Substances Act Registration of MARK A. PITHAN, MD Registration No. 1248445 Respondent	CASE NO. 2018-6 COMBINED ORDER TO SHOW CAUSE, SETTLEMENT AGREEMENT, AND FINAL ORDER
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COME NOW the Iowa Board of Pharmacy ("Board") and Mark A. Pithan, MD, ("Respondent"), 4700 E 56th Street, Suite 100, Davenport Iowa 52807, and enter into this Combined Order to Show Cause, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10, 124.305, and 272C.3(4) (2018). The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 124, and 272C, and 657 IAC chapter 10.

A. FACTUAL CIRCUMSTANCES

1. Respondent holds Iowa Controlled Substances Act (CSA) registration number 1248445, which is currently active through March 31, 2019.
2. On September 23, 2015, Respondent surrendered his Drug Enforcement Administration (DEA) registration for cause.
3. The surrender stemmed from Respondent's arrest on May 11, 2015, for suspicion of driving under the influence of drugs. On September 29, 2015, Respondent pled guilty to driving while impaired.
4. On October 6, 2017, Respondent submitted an application for a DEA registration.
5. On December 18, 2017, the DEA approved a Memorandum of Agreement in lieu of issuing an Order to Show Cause to revoke Respondent's DEA application for registration. The Memorandum of Agreement contains several terms and conditions by which Respondent must abide for a period of three years.

B. LEGAL GROUNDS

6. Pursuant to Iowa Code section 124.304(1)(b) and 657 IAC 10.10(1)"b", the Board may suspend, revoke, or restrict a controlled substances registration upon a finding that the registrant has had the registrant's federal registration to manufacture, distribute, or dispense controlled substances suspended, revoked, or restricted.

C. ORDER TO SHOW CAUSE

7. Based on the above Factual Circumstances and Legal Grounds, Respondent is hereby ordered to show cause why his controlled substances registration should not be **RESTRICTED**. In lieu of proceeding with a show cause hearing, Respondent agrees to resolve this matter by entering into the following Settlement Agreement and Final Order.

D. SETTLEMENT AGREEMENT AND FINAL ORDER

8. Respondent admits the Factual Circumstances and acknowledges that the Factual Circumstances, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

9. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to show cause hearing before the Board, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

10. Respondent acknowledges that he has the right to be represented by counsel on this matter.

11. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

12. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

13. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

14. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

15. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:


16. Respondent CSA registration is hereby **RESTRICTED** for the duration of Respondent's Memorandum of Agreement with the DEA, which is expected to last until approximately December 18, 2020. Respondent's restriction on his CSA registration shall mirror the restrictions on his DEA registration outlined in the Memorandum of Agreement. Respondent

shall comply with all terms and conditions of the Memorandum of Agreement. In addition, the following conditions shall apply:

- a. Respondent shall provide a copy of this Order to all employers.
- b. Respondent shall report any violations of the Memorandum of Agreement to the Iowa Board of Pharmacy immediately.
- c. Any submissions or reports that Respondent is required to submit to the DEA under the Memorandum of Agreement shall simultaneously be submitted to the Iowa Board of Pharmacy.
- d. This Order is intended to mirror the Memorandum of Agreement. If any conditions are added or removed by the DEA, those changes shall be incorporated into this Order. If Respondent is granted early release from the Memorandum of Agreement, Respondent's Iowa CSA registration shall also be released from restricted status. Any changes to the DEA's terms and conditions shall be promptly reported to the Iowa Board of Pharmacy.
- e. Respondent authorizes the release of all information and records related to compliance with the Memorandum of Agreement in possession of the DEA to the Iowa Board of Pharmacy upon request, in order to verify compliance with this Order.

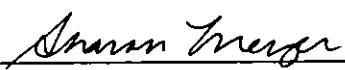
17. Should Respondent violate the terms of this Order, the Board may initiate action to suspend or revoke Respondent's CSA registration as authorized by Iowa Code chapter 124 and 657 IAC chapter 10.

This Combined Order to Show Cause, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 6th day of February, 2018.



MARK A. PITHAN, MD
Respondent

This Combined Order to Show Cause, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 14 day of March, 2018.



Chairperson
Iowa Board of Pharmacy